

ANGELO PENA, ETAL

Plaintiff(s)

- against -

Index # 07 CV 7013

Purchased August 6, 2007

SP PAYROLL, INC., ETAL

Defendant(s)

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

BYRAN E. MCELDERRY BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on August 13, 2007 at 06:39 PM at

1832 SECOND AVENUE  
NEW YORK, NY 10128

deponent served the within SUMMONS AND COMPLAINT on BIENVENIDO LLC therein named,

**SUITABLE AGE** by delivering thereat a true copy of each to ITALO CARDENAS a person of suitable age and discretion. Said premises is Defendant's actual place of business within the state. He identified himself as the GENERAL-AGENT of the Defendant.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx)
MALE	BROWN	BROWN	38	5'6	150

**MAILING** Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's actual place of business at

1832 SECOND AVENUE  
NEW YORK, NY 10128

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on August 14, 2007 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: August 14, 2007

JOEL GRABER  
Notary Public, State of New York  
No. 02GR4699723  
Qualified in New York County  
Comm. Expires February 10, 2010

MICHAEL SMITH  
Notary Public, State of New York  
No. 01SM4997428  
Qualified in New York County  
Comm. Expires June 8, 2010

JONATHAN GRABER  
Notary Public, State of New York  
No. 01GR6156780  
Qualified in New York County  
Comm. Expires December 4, 2010

**BYRAN E. MCELDERRY**

License #: 869802

Invoice #: 445887